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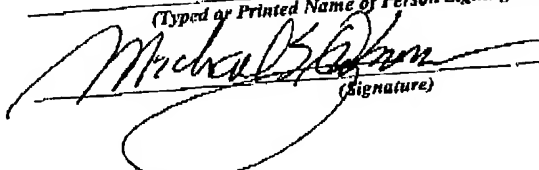
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P.01/05

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. 121027-003
Applicant(s): Akiko SAITO et al.		Examiner Gloria Hale	Group Art Unit 3765
Application No. 10/050,242	Filing Date January 16, 2002	RECEIVED CENTRAL FAX CENTER MAY 28 2004	
Invention: DISPOSABLE SURGICAL GOWN			

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Appl. No. 10/050,242

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group
Art Unit: 3765

Attorney
Docket No.: 121043-003

Applicant: Akiko SAITO et al.

Invention: DISPOSABLE SURGICAL GOWN

Serial No: 10/050,242

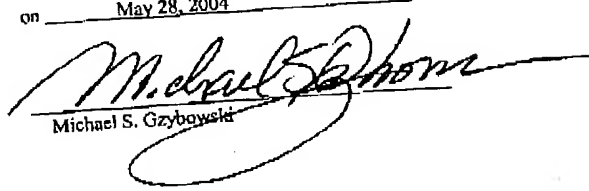
Filed: January 16, 2002

Examiner: Gloria Hale

Certificate Under 37 CFR 1.8(b)

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via facsimile transmission on the date indicated below.

on May 28, 2004


Michael S. Gzybowald

PETITION FOR OFFICE ACTION AND REFUND OF EXTENSION OF TIME AND NOTICE OF APPEAL FEES

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants' respectfully petition the Examiner to issue an Office Action in the above-identified application and further petition for a refund of the Notice of Appeal and Two Month Extension of Time Fees that the undersigned authorized to be charged to Deposit Account No. 12-2136 on March 23, 2004.

The following facts support the relief requested by the present petition:

1. On September 23, 2003 the Examiner mailed a Final Office Action in the above-identified application.

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2. On September 30, 2003 the undersigned reported out the Office Action to the inventors' Japanese patent attorney.
3. On November 19, 2003 the inventors' Japanese patent attorney requested the undersigned to conduct a telephone interview with the Examiner to resolve language in the claims.
4. After receiving instructions from inventors' Japanese patent attorney, the undersigned attempted to contact the Examiner via telephone. Several messages were left on the Examiner's voice mail, but the Examiner never returned any of the undersigned's calls.
5. On December 16, 2003 the undersigned filed an Amendment After final in the application.
6. On January 16, 2004 an Advisory Action with mailed from the USPTO.
7. On February 9, 2004 the undersigned filed a Supplemental Amendment After Final.
8. During the week of March 15, 2004 the undersigned telephoned the Examiner but was unable to contact the Examiner.
9. On March 23, 2004 the undersigned's secretary made repeated telephone calls to the Examiner and left several voice messages.
10. On March 23, 2004 the undersigned was forced to file a Notice of Appeal and a two month Extension of Time to keep the application from going abandon while waiting for the Examiner to response to the Supplemental Amendment After Final.
11. On March 24, 2004 the examiner called the undersigned's secretary and noted that she had been out of the office on sick leave and that she would be withdrawing the Final Rejection and would issue a new Office Action based upon newly discovered prior art.

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12. On May 14, 2004 the undersigned's secretary called the Examiner and was again told by the Examiner that the Examiner would be withdrawing the Final Rejection and would issue a new Office Action based upon newly discovered prior art.

13. On May 23, 2004 the two month date from applicants' Notice of Appeal passed and the undersigned has still not received the new Office Action that the Examiner promised was coming since March 24, 2004.

14. The Examiner's failure to promptly return telephone calls from the undersigned and the undersigned's secretary and the Examiner's failure to withdraw the Final Rejection as promised almost 10 weeks ago has caused applicants to incur costs associated with the Notice of Appeal and Extension of Time Fees that were unnecessary absent the Examiner's own action or lack thereof.

15. The undersigned accordingly petitions for the Examiner to issue a new Office Action in the above-identified application.

16. In addition, the undersigned petitions for a refund of the Notice of Appeal Fee authorized on March 23, 2004 and the Extension of Time Fee authorized on March 23, 2004.

17. The undersigned cannot justify passing on the cost of these fees to applicants because they are attributed to the Examiner.

The refunds requested herein can be made to Deposit Account No. 12-2136.

Please change any necessary petition fee required for consideration of this petition to Deposit

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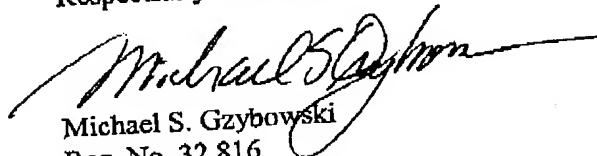
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Account No. 12-2136 and re-credit such fee to this Deposit Account upon a favorable decision on the petition to applicants.

Respectfully submitted,



Michael S. Gzybowski
Reg. No. 32,816

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